

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**ANDREW M. MIDDLEBROOKS, et
al.**

Defendants.

Case No. 22-cv-11073

Hon. Stephen J. Murphy, III

NOTICE OF JOINT STATEMENT REGARDING CASE STATUS

Plaintiff United States Securities and Exchange Commission (“SEC”), and Defendants Andrew M. Middlebrooks and EIA All Weather Alpha Fund I Partners, LLC, through their counsel, hereby submit this joint statement regarding the current status of this case, which was recently re-assigned from the Honorable Bernard A. Friedman to the Honorable Stephen J. Murphy, III., March 13, 2024 Text-Only Order, and involves a parallel federal criminal case pending in this District, *U.S. v. Andrew Middlebrooks*, 2:22-cr-20516-TGB-EAS-1.

SUMMARY OF CURRENT CASE STATUS

As alleged in the SEC’s Complaint filed on May 18, 2022, the SEC brought this case as an emergency enforcement action to stop an ongoing offering fraud

and misappropriation of investor assets by Defendants in connection with raising approximately \$39 million from over 100 investors for a private fund. Doc. 1, at ¶¶ 1-2. The SEC filed a Motion for Temporary Restraining Order, an Asset Freeze, and Other Emergency Ancillary Relief (“TRO”) with the Complaint, Docs. 3-14, and on May 19, 2022, the Court issued the TRO. Doc. 15. On June 1, 2022, the Court entered a Stipulated Preliminary Injunction, Asset Freeze, and Other Relief (“PI”) that extended the asset freeze and other relief through final disposition of this action or further action by the Court. Doc. 26.

Defendants sought a stay of this proceeding based on anticipated federal criminal charges against Defendant Middlebrooks in a parallel matter. Doc. 28. On August 10, 2022, the Court issued a stay of this matter, noted that the PI shall remain in effect, and set a status conference for October 12, 2022. Doc. 38.

On October 11, 2022, an Information was filed as to Andrew Middlebrooks by the United States Attorney’s Office for the Eastern District of Michigan. *U.S. v. Middlebrooks*, 2:22-cr-20516-TGB-EAS-1 (the “Criminal Case”), Doc. 1. At the October 12, 2023 status conference in the instant case, the Court ruled that the stay is continued and set a status conference for January 25, 2023. October 12, 2023, Minute Entry. The case remains stayed.

Defendant Middlebrooks entered a guilty plea in the Criminal Case and on December 7, 2022, the Court set sentencing for April 6, 2023. 2:22-cr-20516-TGB-EAS-1, December 6, 2022, Minute Entry, Doc. 13.

On January 20, 2023, the Court in the instant case adjourned the January 25, 2023 status conference and noted that it “will be reset after the sentencing of defendant Andrew Middlebrooks.” January 20, 2023, Text-Only Order. On March 17, 2023, the Court reset the status conference for April 19, 2023. Doc. 49.

The Court in the Criminal Case reset sentencing for June 6, 2023. 2:22-cr-20516-TGB-EAS-1, March 24, 2023 Set/Reset Deadlines/Hearings. The Court in this case adjourned the April 19, 2023 status conference noting that it “will be reset after the 6/6/2023 sentencing of defendant Andrew Middlebrooks.” April 18, 2023 Text-Only Notice.

The Court in the Criminal Case subsequently reset Defendant Middlebrooks sentencing date several times. The parties communicated with the Court about rescheduling the status conference in this case on several occasions. The status conference has not been reset to date.

Defendant Middlebrooks states that the reason Mr. Middlebrooks’ sentencing hearing in the Criminal Case has been adjourned on multiple occasions is due to Mr. Middlebrooks’ ongoing cooperation with the U.S. Attorney’s Office

and FBI in the criminal case. Once that cooperation has completed, sentencing will be able to proceed.

Defendant Middlebrooks's sentencing date in the Criminal Case is currently set for June 13, 2024. 2:22-cr-20516-TGB-EAS-1, March 26, 2024, Set/Reset Deadlines/Hearings.

* * *

The PI and stay in this case have remained in place, although the status conference originally set January 25, 2023, has still not occurred due to delays in Mr. Middlebrooks's sentencing in the Criminal Case. In light of the current status of this case and the parallel Criminal Case, the parties understand that a status conference will be set for a date after Mr. Middlebrooks is sentenced in the Criminal Case. The parties are, of course, available prior to that time if helpful to the Court.

Dated: March 29, 2024

Respectfully submitted,

s/ Zachary T. Carlyle
Zachary T. Carlyle
U.S. Securities and Exchange
Commission
1961 Stout Street, Suite 1700
Denver, CO 80294-1961
Phone: 303.844.1084
Email: carlylez@sec.gov
Attorneys for Plaintiff
U.S. Securities and Exchange
Commission

Local Counsel for Plaintiff

DAWN N. ISON
United States Attorney

Kevin R. Erskine (P69120)
Assistant United States Attorney
U.S. Attorney's Office – Eastern
District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9610
Email: Kevin.Erskine@usdoj.gov

s/ R. Michael Bullotta
(with permission)
R. Michael Bullotta
Bullotta Law PLLC
615 Griswold St., Ste 1620
Detroit Michigan 48226
Counsel for Andrew Middlebrooks,
EIA All Weather Alpha Fund I
Partners, LLC

Certificate of Service

I hereby certify that on this 29th day of March, 2024, I caused the foregoing document to be electronically filed with the Court using the ECF system, which will send notification of such filing to ECF-registered counsel.

s/Zachary T. Carlyle